

**CHANNEL ISLANDS NATIONAL MARINE SANCTUARY  
SANCTUARY ADVISORY COUNCIL**

**FINAL MEETING NOTES**

**May 16, 2003**

**9:00 AM – 3:30 PM**

**Chase Palm Park Center  
236 E. Cabrillo Blvd. • Santa Barbara, CA**

*The following notes summarize the May 16, 2003 meeting of the Channel Islands National Marine Sanctuary Advisory Council (SAC). These meeting notes will be posted on the CINMS web site at: [www.cinms.nos.noaa.gov/sac/sacmin.html](http://www.cinms.nos.noaa.gov/sac/sacmin.html). Additionally, audio tape recordings of the SAC meeting are available upon request; contact the SAC Coordinator at 805-884-1464.*

**Attending:**

GOVERNMENT REPRESENTATIVES:

**NATIONAL PARK SERVICE**

Member Jack Fitzgerald

**MINERALS MANAGEMENT SERVICE**

Member Drew Mayerson

**US DEPARTMENT OF DEFENSE**

Member Alex Stone

Alternate Walter Schobel

**US COAST GUARD**

Alternate Troy Rentz

**CALIFORNIA DEPARTMENT OF FISH AND GAME**

Member Marija Vojkovich

**COUNTY OF VENTURA**

Alternate Jack Peveler

COMMUNITY REPRESENTATIVES:

**TOURISM**

Member Jeanette Webber

Alternate Monica Baker

**RECREATION**

Member Jim Brye

Alternate Eric Kett

**BUSINESS**

Member Michael Hanrahan

Alternate Darren Caesar

**CONSERVATION**

Member Linda Krop

Alternate Greg Helms

**FISHING**

Member Harry Liqournik

Alternate Merit Mcrea

**EDUCATION**

Member Craig Taylor

**RESEARCH**

Member Dr. Robert Warner

Alternate Dr. Dan Brumbaugh

**PUBLIC AT-LARGE**

Member Jon Clark [SAC Vice Chair]

**PUBLIC AT-LARGE**

Member Robert Duncan

Alternate Avie Guerra

**PUBLIC AT-LARGE**

Member Dr. Matthew Cahn [SAC Chair]

Alternate Roberta Cordero

NON-VOTING MEMBERS:

**Channel Islands National Marine Sanctuary**

Chris Mobley, Manager

**Monterey Bay National Marine Sanctuary**

Alternate: Sean Morton, Management Plan Coordinator

**Absent:**GOVERNMENT REPRESENTATIVES:**NATIONAL MARINE FISHERIES SERVICE**

Member Mark Helvey  
Alternate Christina Fahy

**NATIONAL PARK SERVICE**

Alternate Gary Davis

**US COAST GUARD**

Member J. Wade Russell

**MINERALS MANAGEMENT SERVICE**

Alternate Fred Piltz, Ph.D.

**CALIFORNIA RESOURCES AGENCY**

Member Brian Baird  
Alternate Melissa Miller-Henson

**CALIFORNIA DEPARTMENT OF FISH AND GAME**

Alternate John Ugoretz

**CALIFORNIA COASTAL COMMISSION**

Member Rebecca Roth  
Alternate Gary Timm

**COUNTY OF SANTA BARBARA**

Member Dianne Meester  
Alternate Jackie Campbell

**COUNTY OF VENTURA**

Member Lyn Krieger

COMMUNITY REPRESENTATIVES:**TOURISM**

Member Jeanette Webber [SAC Secretary]

**FISHING**

Alternate1 Eric Hooper

**PUBLIC AT-LARGE**

Alternate Richard Holt

NON-VOTING MEMBERS:**Monterey Bay National Marine Sanctuary**

Bill Douros, Sanctuary Superintendent

**Gulf of the Farallones National Marine Sanctuary**

Maria Brown, Acting Manager

**Attendance**

At roll call, 16 of the 20 voting seats were represented. A total of 27 SAC representatives were in attendance for the day (14 members, 11 alternates, 2 non-voting). Public attendance peaked at about three individuals.

**Administrative Business and Announcements*****Meeting Notes***

Draft meeting notes from the March 20, 2003 SAC meeting were adopted by the Council.

***Manger's Report***

Chris Mobley announced the arrival of the Sanctuary's new research vessel the *R/V Shearwater*. The *Shearwater* was christened on Monday, May 12 with U.S. Representative Lois Capps breaking the champagne bottle on her hull. Roberta Cordero and other Chumash community members blessed the vessel. Chris hopes to invite SAC members out on the *Shearwater* soon.

Several SAC members discussed the May 19 Santa Barbara Harbor Commission decision on a slip for the *R/V Shearwater*. Chris Mobley explained that the Harbor Commission put the decision on hold to consider providing a slip for a Santa Barbara Maritime Museum tall ship as well, adding that the Sanctuary and Museum have been discussing this matter with one another. Harry Liquornik expressed concern that the tall ship would displace ten fishing vessels. Linda Krop made a motion that the SAC send a letter to the Harbor Commission in support of providing a slip for the *Shearwater*. Harry Liquornik who stated that the Sanctuary should go through the normal process of acquiring moorage opposed the motion. Linda acknowledged the congestion in the harbor but offered that the Sanctuary is a public institution and provides

a public benefit, plus it historically had a slip. Harry suggested that there is room in Channel Islands Harbor. Matt Cahn suggested continuing a discussion on whether to write a letter following the scheduled SAC discussion on operations and decision-making.

Jim Brye asked whether the Naturalist Corps, Sanctuary Naturalist Corps and the National Park Service volunteers are now one unit, or three separate units and he asked where to send volunteer candidates. Jack Fitzgerald responded that the National Park Service has a volunteer program in place with volunteers at their visitor center, and field volunteers. He added that naturalist volunteers in the field will have one unit with different levels for different levels of knowledge. Nancy Berenson clarified that National Park Service volunteers do multi-day trips while this year's Sanctuary volunteers are being trained for day trips only.

### ***Council Member Announcements***

Linda Krop announced that the Environmental Defense Center is holding its tenth Annual Benefit Auction, which will include presentation of Environmental Hero Awards for each of the following categories: Advocate, Corporate, Stewardship, Public Leader, and Lifetime Achievement. The event will take place on Sunday, June 8<sup>th</sup> from 2:00 PM to 5:30 PM in Santa Barbara.

Robert Duncan announced that the Santa Barbara Maritime Museum has a new Anacapa Crane exhibit, and is currently searching for an Executive Director.

Harry Liquornik informed the SAC that there have been no Fishing Working Group meetings so there is no need for the working group. He observed that the educational CD-ROM has one thirty-second sound byte that mentions fishing, and that the web site does not contain any information on fishing. Harry stated that former Sanctuary Manager Ed Cassano had laid out a balanced program for working with the fishing community, but there is no point in that community being involved in SAC meetings now since their role is just watchdogging. Harry mentioned that a paper written by Sean Hastings and Michael McGinnis was particularly offensive to the fishing community because it contained the statement that "multiple use and conservation are incompatible." Harry requested that Chris Mobley lay out a plan for the next few years regarding fishing and how the Sanctuary is going to work with fishermen. He concluded stating that it is important to sit down and work with staff because staff are the ones who actually implement the programs. Roberta suggested that the SAC respond to Harry's comments later. Matt Cahn agreed with this suggestion.

### **Marine Reserves Process (Sean Hastings)**

CINMS Resource Protection Coordinator Sean Hastings referred to Lt. Jorge Gross for a report on marine enforcement activities at the Channel Islands.

#### ***Enforcement***

Lt. Jorge Gross of the California Department of Fish and Game reported on the first month of enforcement statistics in the State marine protected areas at the Channel Islands. Jorge stated that Fish and Game patrol boats made a total of 456 contacts with fishermen in the Sanctuary to make sure they were informed about the MPA's. They also made 22 arrests of recreational and commercial fishermen, with most arrests being routine in nature (not related to marine reserves). One arrest was of a recreational fisherman in the Anacapa Island MPA Brown Pelican area who was in possession of an undersized California Halibut. They also issued 42 warnings, 15 of which were for recreational fishermen fishing in MPA's. Jorge mentioned that education and outreach efforts at harbors and boat launches is necessary for reaching private boaters.

#### ***Monitoring***

Sean Hastings provided a brief report on recent activities to develop and implement biological and socioeconomic monitoring programs to support the state's marine protected areas at the Channel Islands.

Sean summarized actions that have been taken since the monitoring program development workshop was convened in March 2003, characterizing the nature of the work being done to refine monitoring proposals and finalize biological monitoring questions that will guide monitoring efforts. Regarding socioeconomic monitoring, Sean reported that two teams of graduate students from the USCB Bren School have taken on graduate projects aimed at Channel Islands marine reserve monitoring. Sean explained that one student project will focus on development of an ecological monitoring framework for the CINMS MPAs, while another project involves development of a monitoring protocol for non-consumptive socioeconomic values of marine reserves at the Channel Islands. Additionally, Sean reported on the work done by NOAA economists Bob Leeworthy and Peter Wiley to write up results from the March 2003 monitoring workshop into a comprehensive report and proposal for programs at the Channel Islands.

Council discussion about monitoring was varied and lengthy. Bob Warner emphasized the importance of choosing between limited monitoring activities conducted at many sites, or looking at fewer sites more intensely. Dan Brumbaugh added that a proper mix of focused sites for biological monitoring is needed, as well as a diversity of other sites.

Jeanette Webber asked about how baseline and future economic measures will be obtained from the fishing industry. Sean Hastings explained that a good baseline of economic information exists for 1994-1998 that was developed by economists during the 1999-2001 marine reserves working group process. Harry Liquornik added that panels of fishermen could be formed to track future economic measures, and suggested that such panels should not be comprised of completely random selections of fishermen. Sean Hastings added that one of the more challenging activities to measure and track economically is the private boating sector.

Michael Hanrahan asked what the budget is for marine reserves monitoring. Sean Hastings responded that already CINMS has spent an initial \$25,000 to hold the March 2003 monitoring workshop. Chris Mobley added that although the total CINMS budget for fiscal year 2004 (which starts in October 2003) is not yet known, monitoring of the reserves will be a high priority for CINMS and likely for the National Marine Sanctuary Program.

Eric Kett asked how fish count data collected by volunteer divers with the Reef Environmental Education Foundation (REEF) program would be used for reserve monitoring. Sean Hastings responded that this will be address as the biological monitoring program moves from its current framework stage to a specific design. In response to some of the concerns Eric Kett raised about the scientific acceptance of data gathered by volunteer divers, Bob Warner remarked that it will take some work to overcome resistance from some scientists to changes in protocols.

Jim Brye asked if the ports and harbors have been adequately involved in the process to develop monitoring programs. Sean Hastings responded that more participation would be helpful.

Craig Taylor commented that it seems like a monitoring program is needed that can address the need for a baseline of information, that has ample buy-in from various agencies and stakeholders, and which can survive a range of variable annual funding cycles.

### ***Marine Reserves Environmental Review Process***

Sean Hastings referred SAC representatives to a letter that recently been sent from CINMS to the Pacific Fishery Management Council (PFMC) which explained the expected process for consideration of marine reserves at the Sanctuary. Sean briefly reviewed and explained the Proposed Activities and Timeline, which included the following steps:

#### ***March 2003***

- Preparation of Notice of Intent to Prepare a Draft Environmental Impact Statement
- Brief PFMC

- Brief Sanctuary Advisory Council

***April 2003***

- Release Notice of Intent in Federal Register
- CINMS submits letter to PFMC describing environmental review process

***May/June 2003***

- Public Scoping Meetings
- Consultation letter to PFMC, NOAA Fisheries, State of California and other entities regarding potential change to designation document. (note: the terms of designation of a Sanctuary include its geographic area, the characteristics of the area that give it conservation, recreational, ecological, historical, research, educational, or esthetic value, and the types of activities that are subject to regulation to protect those characteristics)
- Notification to PFMC of opportunity to draft National Marine Sanctuaries Act (NMSA) fishing regulations

***June – November 2003***

- Development of DEIS, appropriate proposed regulatory changes and related proposed change to the terms of designation
- PFMC consideration of drafting NMSA fishing regulations; preparation of draft regulations

***December 2003 / Early 2004***

- Public release of DEIS, proposed regulations and proposed changes to terms of designation
- Public review of the DEIS, proposed regulations and proposed changes to terms of designation. At least 45 days for public comment.

***Spring/Summer 2004***

- Sanctuary prepares responses to comments

***Summer 2004***

- Drafting of Final EIS, and if necessary for chosen action, drafting of final regulations and revised terms of designation

***Fall/Winter 2004***

- Sanctuary releases the Final EIS by publishing a Notice of Availability and providing copies to interested parties. After a 30-day “cooling off” period, the final regulations appear in the Federal Register and the Sanctuary sends the final regulations and revised terms of designation to Congress and to the Governor’s office, if state waters are involved. The final regulations will take effect after the close of a review period of 45 days of continuous session of Congress. If designation (and therefore the final regulations of portions thereof) is unacceptable, the affected final regulations will not take effect in State waters.

From the above steps, Sean provided additional explanation of the working partnership with the PFMC. Sean also mentioned that the public scoping period is next on the timeline, and provided an explained that meetings would be held on June 5 in Port Hueneme, June 12 in Santa Barbara, and July 18 in Ventura at the SAC meeting. The scoping period ends on July 23, Sean said.

Sean was asked if the Sanctuary had the authority to regulate fishing. Sean explained that the Sanctuary’s current terms of designation do not provide for the Sanctuary to be a lead agency for fishing activities. However, Sean explained, a public process can and will be conducted by which consideration of changing that term of designation will be given and possibly result in a change. Sean noted that such a process was taken at the Florida Keys National Marine Sanctuary, resulting in the Sanctuary having the express authority to regulate fishing activity within certain zones.

Sean then moved to suggest a possible role for the Sanctuary Advisory Council with regard to early steps in the marine reserves environmental review process, as follows:

- 1) SAC Working Groups can convene and produce substantive scoping comment statements.
- 2) SAC to help with public outreach on the process to help raise awareness of the opportunity to provide scoping comments

- 3) SAC to provide scoping comments, using the July 18<sup>th</sup> to transmit those comments to CINMS, and attaching any Working Group statements received.

SAC representatives provided a variety of comments on the SAC's possible role and asked a number of questions about the process.

Linda Krop suggested that right now SAC members should engage their constituencies. She said that the Conservation Working Group will hold a meeting on this. Drew Mayerson asked for clarification on the federal administrative review of changes to the Sanctuary's terms of designation, to which Sean Hastings replied. Darren Caesar stated that it will be important to help the public understand the relevant history and available information on this issue. Linda Krop suggested that the Sanctuary place the Notice Of Intent on the CINMS web site. Linda added that it is important at this stage for SAC members to get constituents focused on the environmental review process, not the final outcome. Linda advised that the NEPA process be explained to the public, including the public's opportunity to participate.

Harry Liquornik said that he would like to see a break down of where public comments are coming from. Harry also said that it would be good to see the MOU between the Atlantic Fishery Management Council and the Florida Keys National Marine Sanctuary. Greg Helms suggested that the Sanctuary should work hard to consult with and work with fishing agencies, but not forget the larger and unique responsibilities of the National Marine Sanctuary Program. Linda Krop commented that it would be helpful to have a concise summary of the state's Channel Islands marine reserves process. Bob Warner asked if it has been resolved that the NMSP is the lead agency on this process. Sean Hastings responded that yes, the NMSP is the lead agency but the PFMC will have the choice of how to handle any proposed regulations.

Sean Morton from the Monterey Bay National Marine Sanctuary commented that it is important to minimize public confusion on this issue. For this, he said, sound documents are needed. Sean Morton emphasized the importance of explaining the environmental review process as separate from the decision, and explaining the difference between the PFMC and the NMSP mandates and roles. Sean Morton also emphasized the importance of identifying how the SAC could work side-by-side with the PFMC. Sean Morton recommended that all of these explanations be packaged into a clear document or brochure.

Marija Vojkovich, as a PFMC representative from the California Department of Fish and Game, noted that the issue will be challenging for the PFMC to deal with and make relevant to other states. As such, Marija said, it will not happen in "one meeting." Jeanette Webber asked what kind of visual aids could be provided to SAC members. Sean Hastings responded that Sanctuary staff can come to any working group or other meetings to give presentations.

At the end of the discussions, SAC Chair Matt Cahn asked the Council if the following approach was agreeable:

- 1) SAC representatives will engage their constituencies now, encouraging participation in the scoping process.
- 2) SAC Working Groups will meet prior to July 18 and develop substantive scoping comments for the marine reserves environmental review process.
- 3) At the SAC meeting on July 18<sup>th</sup>, the Council will develop a letter to CINMS to convey "process-related" advice, and attach any Working Group statements.

After calling for but hearing no disagreement on this approach, Matt Cahn stated that this was the decision of the SAC by general acclaim.

## Public Comment

Dr. Rainer Bushmann with California State University, Channel Islands (CSUCI) addressed the Council. Dr. Rainer introduced the SAC to the conceptual idea of forming an Institute on Oceans, to be an interdisciplinary program that will explore three of the world's oceans. Dr. Rainer explained that the Institute on Oceans would rely more on outside funding than from CSUCI, but would seek to be closely affiliated with the University. Dr. Rainer will keep CINMS informed on progress toward development of the Institute and opportunities for involvement.

## Management Plan Revision Process

Mike Murray explained that there are two processes going on now: the marine reserves process, and the management plan review process. He also provided an overview of a recent update report on the management plan review process provided to SAC members. Mike stated that the major features to note include:

- boundary consideration is a separate process that will be addressed in a Supplemental Environmental Impact Statement along with the biogeographic study;
- the Draft Management Plan and Draft Environmental Impact Statement will be released this summer;
- the Draft Management Plan includes a description of the Sanctuary environment, staffing, administration, management, priority actions and performance measures, with the core draft plan being a set of action plans;
- the Draft Environmental Impact Statement is required due to the proposed regulatory changes and will contain alternatives and impact analyses;
- regulatory alternatives are based on extensive discussions on regulatory concepts at workshops held in 2000.

Mike reiterated that it is very important for constituents to know that the Draft Environmental Impact Statement and Draft Management Plan do not propose boundary changes, but that boundary concepts will be included in an appendix to inform people of the progress made on this subject in the past. Upon completion of the biogeographic study there will be a Supplemental Environmental Impact Statement on boundary change.

Mike then went on to explain that in keeping with SAC advice the management plan review is a separate environmental process from, and several steps ahead of, the marine reserves process. Mike acknowledged that the SAC letter to Dan Basta helped keep marine reserves on a separate track from the management plan review process. He also pointed out that the Draft Management Plan is not about zones or fishing.

Next, Mike discussed the Sanctuary's Terms of Designation and reviewed the language from the original 1980 Designation Document. He explained that some terms need to be adjusted to accommodate the proposed regulations. He also observed that the National Marine Sanctuaries Act has been re-authorized several times and other sanctuaries have more current regulations, while ours are 23 years old. For example, Mike cited a proposed regulation on defacing signs which is not included as part of the Sanctuary's scope of authority in the 1980 Designation Document. The Sanctuary will invite public comments on proposed changes to the Terms of Designation this summer.

Regarding the agency consultation letter Mike indicated that SAC members received a sample consultation letter attached to the update report. He explained that the letter's purpose was to inform agencies that the draft environmental impact statement is being released, and to present the nature of the proposed changes. Mike said that the Sanctuary invites agencies to comment and ask questions, though they have only received three comments dealing with clarifying questions as of the time of the meeting. According to Mike it seems that the Sanctuary will receive the majority of comments following the release of the documents, allowing people to ask informed questions.

Several SAC members then asked questions. Jack Fitzgerald asked if the proposed regulatory language is in the consultation letter. Mike responded that it is premature at this stage to show the draft regulations, though the areas they address are apparent in the letter. Harry Liquornik noted that it is appropriate to do a threat assessment since the Sanctuary is doing a new biogeographic study, and asked whether this is being done. Mike answered that the biogeographic study is not the sole decision-making factor, adding that threats, potential problems, and management feasibility are significant criteria in choosing an alternative. Harry also asked whether the contract awarded to Tetra Tech to develop the Draft Environmental Impact Statement was put out for competitive bid. Mike stated that CINMS awarded the contract to Tetra Tech because they had already qualified as a NOAA pre-approved source. Chris Mobley added that this is a standard federal government process designed to save taxpayers money by setting up blanket contracts for services. Tetra Tech won a competitive blanket bid to be on a list of service providers. Harry then asked whether there are other consultants on that list, and whether the Sanctuary has been reviewing their performance. Chris responded that he would have to check on whether there were other consultants on the list, and that the Sanctuary has been reviewing their performance. Harry pointed out that Tetra Tech had produced the earlier Status of Resources report. Mike acknowledged that Tetra Tech has undergone a change of staff and Sanctuary staff have continued to work with them and make adjustments during this process. Mike also noted that the Sanctuary is not obligated to use Tetra Tech at every step in the process. Alex Stone asked whether the alternatives are structured around regulatory packages and whether the Draft Environmental Impact Statement would identify a preferred alternative. Mike responded affirmatively to both questions.

Finally, Mike explained that the next step is the federal internal review and clearance process, including National Marine Sanctuary Program Headquarters, the National Ocean Service, NOAA, the Department of Commerce, and the federal Office of Management and Budget. Mike offered that a theme of the proposed regulatory changes is that they will not cause adverse economic impacts or user displacement. Mike concluded by stating that the July 18 SAC meeting would be a good time to discuss a process for obtaining SAC and constituent input on the draft management plan when it is released.

Linda Krop and Greg Helms pointed out that in the timeline flowchart, the DEIS box indicates that the DEIS will include "boundary concepts, regulations and no preferred alternative" and is therefore confusing. Mike offered to remove the reference to boundary concepts.

Marija Vojkovich observed that both the marine reserves and management plan review processes involve Designation Document changes, and asked when and how the Sanctuary will proceed. Mike clarified that the processes are separate and therefore changes to the Designation Document for the management plan review will be resolved before the marine reserve-related proposed adjustment to the Designation Document. Chris Mobley added that unless there is a delay in the management plan review process they would be separate. Chris also stated that the Designation Document is a living document and dynamic even though it has not been changed for twenty-three years. He also indicated that in the future we might see changes every five years. Marija then observed that the Designation Document is not necessarily linked to the management plan, to which Chris concurred.

Drew Mayerson noted that Florida Keys National Marine Sanctuary went through this and asked how their SAC proceeded. Mike responded that they were able to do a five year management plan review on schedule, and didn't need to catch up after twenty years. According to Mike their SAC commented action plan by action plan and voted on components. He also noted that the more he looks into other SAC's the more it seems that there is no outstanding model, suggesting that we need to do what is best for this particular group. Matt Cahn added that the SAC will discuss models in July.



**Presentation: Santa Barbara Harbor's Clean Water Program (Mick Kronman)**

Mick Kronman introduced himself as the Harbor Operations Manager for the Santa Barbara Waterfront Department, the manager of berthing issues and policy work. Mick also used to serve as an alternate for the SAC. Mick stated that the Waterfront Department Clean Water Program is new, only one year old. In June of 2002 the City Council passed the Clean Water Program. Two factors led to the development of this program: 1) the regulations and policies on clean water were scattered for the waterfront; 2) given the Clean Water Act, other legislation and regulations, and the environmental culture the Waterfront Department wanted to plug their program into the environmental trajectory at hand. The official goal of the Clean Water Program is to achieve and maintain, via feasible means and alternatives, a clean harbor environment for people, aquatic life and seabirds. The program contains the following six elements: facilities for boaters, water quality monitoring, best management practices, education, compliance and enforcement, pollution prevention and abatement projects.

Mick indicated that facilities for boaters will make compliance easier for boaters, and summarized what facilities are available including: five sewage pump-out stations, a dump station for portable toilets, a bilge pump-out facility (provided in partnership with the Community Environmental Council) to reduce the petroleum sheen from bilge oil leaks, and disposal sites for used-oil, antifreeze, and oil-absorbent pads which can be recycled at marinas two, four, and the fuel dock.

According to Mick from the mid-1980's to the late 1980's the County conducted water quality monitoring, but then discontinued it because the harbor was clean nine months out of the year, and only exceeded bacteria limits during wet months. The Waterfront Department decided water quality was important to test, and the Harbor Commission wanted to test each month to establish a baseline. Bacteria, pH, and salinity are now tested monthly. As a result of the recent fish die-off dissolved oxygen is also monitored monthly now. To ensure that the Department's sewage pump-out facilities are leak-free, the Department tests them with dye tablets on a quarterly basis. The Waterfront Department will add testing as needed.

Next, Mick described three components of the Waterfront Department's best management practices: the Stormwater Pollution Prevention Plan, working with the harbor's two boat haul-out facilities, and providing absorbent bilge pads. One goal of the Stormwater Pollution Prevention plan is to ensure that industrial sites don't pollute harbor water. The Waterfront Department receives quarterly reports from the Regional Water Quality Control Board on harbor water quality. Mick also mentioned that a consultant was hired to look into accusations that tributyltin, copper paint and lead batteries had been discharged into the harbor. The consultant's report is available at the Waterfront Department. To better understand this situation Mick indicated the need to have better mapping of the harbor floor, a project for which the Regional Water Quality Control Board has taken the lead. Once the Board's mapping study is complete the Board will lay out a sediment management plan. Mick added that the dry-dock owner volunteered to pay for the study and mitigation. Also, Harbor Marine Works is upgrading their system to handle paint dust, etc... and looking into an advanced clarifier system. Finally, the Waterfront Department is developing BMP's for keeping toxins out of the water and placing tips for clean and green boating at the marinas.

For prevention and abatement Mick explained that boaters are the first on the scene for oil spill response, followed by the harbor patrol who is trained in the use of boom. The Waterfront Department also has a "salad boat" used for waterborne debris removal. The Department is also conducting a study of what accumulates and where. There is also a process to review mooring buoys to deal with the problem of boats washing ashore at East Beach. Currently a barge is picking up abandoned moorings based on a sonar/bathymetric study. Lastly, through Measure B the Creeks Committee and Santa Barbara Department of Parks and Recreation want to capture debris from Mission Creek.

In terms of education Mick said that the Waterfront Department supports the CEC dockwalker program, distributes literature on, for example, clean boating practices, and cleaning up after dogs. Additionally the

Department is part of the Pacific Coast Chapter of the California Clean Boating Network, and publishes articles on clean boating in the "Docklines" newsletter.

Mick stated that the sixth element of the Department's Clean Boating Program, compliance and enforcement, includes the dye tab program for live-aboards when they first acquire their live-aboard permit, dye tabs for all visiting boats and boats for whom the partners in the slip have changed. If the dye tab test indicates overboard discharge into the harbor administrative penalties are applied.

Following Mick's presentation several SAC members asked questions. Robert Duncan commented that this is one of the best programs on the coast. Mick acknowledged that the Waterfront Department is a bit ahead and is in fact on the California Coastal Commission's advisory board that is working to develop a clean marine guidebook.

Eric Kett asked whether the free bilge pads are required to be returned. Mick responded that thanks to the CEC they are not required to be returned. Eric then stated that the program in the south was discontinued because people were not returning the bilge pads.

Greg Helms stated that the news on the dry-dock issues brought up was good, and asked whether the Waterfront Department is continuing to look for batteries. Mick answered that they will continue to look but may need technology other than the grab sample from the California Department of Fish and Game.

Chris Mobley asked whether it would be possible to get the boaters on the ramps information on the marine reserves in the clean boating packet that is passed out. Mick suggested that this may confuse things but agreed that the Waterfront Department and Sanctuary should work together. Mick also offered some suggestions for partnerships: training the naturalists and staff on CEC information and folding clean boating information into the information they are currently providing to the public; partnering on the harbor sea floor clean-up project next year during Earth Day weekend.

Sarah MacWilliams asked about the extent of the coverage of the dockwalkers program. Mick replied that the Waterfront Department is not the lead but only provides information to the CEC. He suggested contacting the CEC for more specific information on that program.

Michael Hanrahan asked about the biodiversity and health of organisms in the harbor. Mick explained that there is much tidal flushing in the harbor so there is a diversity of organisms that are pretty healthy.

## Working Group and Ad-Hoc Group Reports

### *Sanctuary Education Team (SET)*

SET Co-Chair Craig Taylor announced that Oceans Week is coming up and referred the SAC to a brochure handout for more details.

Craig Taylor presented to the SAC a revised SET product: Matrix on the Science of Marine Reserves. The matrix, which the Council had first seen at the March 2003 SAC meeting, provided prioritized rankings for a variety of Sanctuary audiences and mechanisms for providing educational information about the scientific rationale for establishment of the Channel Islands marine reserves. The matrix product represents fulfillment by the SET of the task given in the beginning of 2002 to determine long-term educational strategies for marine reserves. The revised matrix, Craig explained, had been revised to correct for some numeric errors in the table and to fill in a few previous blank cells. After a brief explanation of the revised matrix, Craig recommended that the SAC consider adoption of the matrix as official advice to CINMS. **By general acclaim, the SAC approved and forwarded to CINMS the Sanctuary Education Team's matrix on communicating and educating on the scientific rationale for marine reserves at the Channel Islands.**

***Ad-Hoc Enforcement Group***

Ad Hoc Group Chair Robert Duncan reported that the group held a meeting on May 7 that focused on initial steps toward development of outreach materials to support the Sanctuary's planned volunteer boater Marine Watch program. Robert explained that meeting participants took apart the existing CINMS regulatory brochure in an effort to suggest a more streamlined product. Work by the group will continue, Robert said, on producing a sample brochure. The next meeting of the Ad Hoc Enforcement Group will be in six to eight weeks and could lead to the development of a prototype brochure that could be shared with the SAC.

Some Council discussion ensued. Eric Kett suggested that perhaps the consolidated regulations brochure being worked on by the ad hoc group should include a summary of rules associated with the islands (not just the surrounding marine waters). Monica Baker said that Island Packers is in need of additional marine reserves brochures. Jack Peveler mentioned the important work being done by Sanctuary staff Julie Bursek to create an updated brochure for the Power Squadron that will contain a map of the new marine reserves and will be distributed to all registered boaters in Ventura (20,000) and Santa Barbara (13,000). Chris Mobley commented to all the importance when communicating with constituents of emphasizing all of the area that remains open to fishing within the Sanctuary. Merit McCrea commented that the benefits of providing shoreline markers for the marine reserves may end up outweighing the costs, and noted that those who beach fish or free dive could especially benefit.

***Conservation Working Group***

Linda Krop explained that noise and large vessel traffic had become prominent issues of concern for the Conservation Working Group. Linda began by providing a report that recapped highlights from a recent Conservation Working Group meeting at which guest speaker Peter Howorth presented on the topic of noise impacts in the marine environment. From Mr. Howorth's presentation, Linda reported that the most important sources of human noise in the marine environment are sonar and shipping. Linda reported that Mr. Howorth explained how acoustic impacts on marine mammals can include masking, avoidance, temporary threshold shifts, permanent threshold shifts, and trauma. Linda also reported that the working group learned from Mr. Howorth how there are often no real noise standards set for regulatory oversight, and that more scientific analysis is needed. Some ways to mitigate noise effects, Linda said, were suggested by Mr. Howorth as assuring thorough environmental review on projects, ramping up noise levels slowly, timing activities carefully, establishing safety zones, conducting passive acoustic monitoring, acoustic deterrence, and shutting down an activity. Within the CINMS, Linda reported that Mr. Howorth's top noise concerns were for impacts on gray and blue whales and the positioning of the shipping lanes. Linda said that a subset of Conservation Working Group members have now formed a task force on the issue of noise.

Greg Helms added to the Conservation Working Group report by commenting on recent efforts to better understand large vessel traffic in association with the Sanctuary. Greg explained that he recently learned that at Platform Harvest radar is used to track oncoming vessels in the shipping lanes and notify those vessels if they are heading off course. Greg said that logs of this data have been kept. Greg suggested that perhaps that radar data could be shared with CINMS, and perhaps an upgrade to the system used could result in a higher resolution of tracking that could ascertain vessel and/or cargo type. Greg also mentioned that Port Hueneme does not currently have a VTS for monitoring vessel traffic, but has submitted an application for one. Greg suggested that a system like that could be helpful for understanding vessel traffic near the Sanctuary, and as such possibly expressing support for the VTS at Port Hueneme could be considered by the SAC and CINMS.

***Business Working Group***

Michael Hanrahan reported that the Business Working Group met for the first time on May 6<sup>th</sup>. Meeting participants, Michael reported, were limited to six SAC representatives, three Sanctuary staff, and three others. Michael explained that meeting presentations provided information on the role of the Sanctuary and the SAC and the goals of the Business Working Group. Michael described the primary purpose of the Business Working Group as being focused on improving communication between the Sanctuary and the

business community, and exploring ways that marketing of the Sanctuary could help local businesses. Michael also explained that meeting participants discussed several important ways to increase participation in the Business Working Group, including a possible name change. Michael asked the SAC to provide whatever support possible for the Business Working Group, and mentioned that the next meeting would be held approximately 10 days before the July 18<sup>th</sup> SAC meeting.

## **Discussion: Adding a seat to the Sanctuary Advisory Council**

Chris Mobley began the discussion by stating that the Chumash are interested in the long-term perspective, and fostering healthy relationships between stakeholders, focusing on their needs and interests. He described having a Chumash-dedicated seat on the SAC as a win-win situation. Chris also mentioned that at the SAC Chairs' meeting it was recommended that Channel Islands, and all sanctuaries, incorporate indigenous people on their SAC's. He emphasized that the Chumash earned a seat by putting energy and commitment into supporting the Sanctuary, and that they have also played an important role in pushing the Sanctuary on a number of issues and challenging the SAC.

Roberta Cordero explained that the Chumash community is not centralized and therefore one person cannot speak for other Chumash people. She also conceded that the Chumash do not necessarily know the older values of sustainable culture, but that it is important to learn them. Roberta stated that stewardship is a good idea, but not enough because it takes people out of the natural environment but we want to re-establish the relationship between human beings and the environment. According to Roberta this is the idea of reciprocity: that you build relationships and get what you need by sharing interests and needs and establishing clear feedback loops.

Jeanette Webber asked what the criteria would be for the Chumash seat. Chris answered that there is no tribal government and no centralized way of reaching people so we would need to send out an announcement as is done for other seats.

Eric Kett observed that if one person cannot represent someone from another community they could not represent all Chumash people. Roberta clarified that there is a Chumash community, just not a centralized government. Linda Krop added that this is true for all non-government seats, but it is the job of the individual SAC member to reach out to different parts of their constituency. Linda added that participation needs to be institutionalized and should be considered since it is being considered for other SAC's.

Chris closed the discussion by stating that he would discuss this further with the National Program.

## **Improving SAC Operations: Decision-making processes**

Matt Cahn introduced this discussion on the Council's decision-making protocol by referencing the SAC letter written to Dan Basta about the management plan review process.

Mike Murray indicated that this is the fourth year of the SAC and this topic has come up several times including at the January 2001 retreat where the SAC discussed different ways to understand where the group is at. Mike then summarized a hand out on different types of votes, along with a handout on the Monterey Bay National Marine Sanctuary SAC charter text on protocols.

Chris Mobley stated that straw polls are a good way to determine whether the SAC wants to take a vote. Plus, according to Chris he would be interested in hearing the minority view even if the SAC wants to present a majority opinion. He concluded that the SAC probably does not need detailed parliamentary procedures.

Roberta stated that it is critical that every voice be heard and that the SAC needs a mechanism to assure this.

Several SAC members struggled over the notions of consensus decision-making, and decision-making using parliamentary procedures. Eric Kett suggested using rules of parliamentary procedures, Roberts Rules of Order, so that situations in which a motion is made and then dropped cannot happen. He also suggested using an observer to oversee order during the meeting. Matt Cahn countered that the desire of the SAC is often to reach consensus, which precludes Robert's Rules. Robert Duncan stated that it is important to have procedures set forth to handle contentious issues. Linda Krop acknowledged that it is difficult to have an answer to all situations. She added that if all SAC members can agree they are much more powerful. Roberta then stated that if they use a consensus model it is important to know what that means, especially since consensus is not unanimity.

The then discussion shifted back to the SAC letter on the management plan review process. Mike Murray said that when advice is provided to Chris he gets the subtleties and nuances, but when a letter is sent to a third party it is more difficult to share those subtleties and nuances. Drew Mayerson stated that surprise votes should not be finalized at the meeting in which they arise, though he thought the Dan Basta letter was okay since it went back to the fishing community. Chris added that the standard for many organizations is that a vote not on the agenda cannot proceed. Jeanette Webber raised the issue that at some point a decision must be made, therefore we need guidelines by which to make decisions. Linda Krop suggested using boilerplate language in the agenda such as, "Council discussion and potential decision" to alleviate concerns over "surprise voting." Jack Peveler commented that it is not clear in the agenda what may be happening. Mike Murray reminded the SAC that there was no way to know in advance to agendaize a decision to vote on a letter regarding the *Shearwater* slip.

Matt Cahn asked whether there is a difference between a procedural and substantive action. Roberta added that if you agree to write a letter you also have to agree to how that letter will be written. Jack Peveler and Eric Kett suggested that if a vote is raised during a meeting that the actual vote be deferred to the next meeting so that it may be included on the agenda. Chris Mobley suggested that they could try to "notice" everything, but also have a criteria for emergency actions. Linda agreed with the idea of having emergency procedures. Sean Morton contributed that at the Monterey Bay SAC each item on the agenda either says "presentation" or "SAC decision." According to Sean some things are decided on by executive committee, but there are no votes unless a vote is on the agenda, though exceptions may be made. Merit McCrea found that the letter to Dan Basta was handled perfectly since he was able to abstain and the voting record noted Harry's absence. Greg Helms noted that with the letter to Dan Basta the issue was how the SAC and community could best be understood, it was not an issue of the outcome with reserves. So, Greg concluded that there was a disconnect between process and outcome.

Matt Cahn asked for the SAC's opinion on not voting unless an action item is on the agenda. Roberta stated that an "action" must be defined while Linda said we need to be clear about what we mean by "notice," which should be construed broadly. Jeanette remarked that all SAC members have alternates for a reason. Walt Schobel added that we know there will be a discussion on an item if we are provided background information on it. Mike Murray observed that there is time to look over the agenda before the meetings so SAC members have the time to approach staff and request that the agenda note a potential action or decision. With this idea a vote would not need to be postponed to the next meeting. Matt asked whether it is then necessary to change the decision-making process, and whether the SAC wants to add "noticing" to its procedures.

**ACTION:**

Chris requested that someone volunteer to look at the decision-making procedures and bring a draft proposal to the next meeting.

**RESPONSIBLE PARTIES:**

Drew Mayerson, Chris Mobley, Roberta Cordero, and Matt Cahn volunteered to work on this proposal

Concerning Linda's motion to draft a letter regarding a slip for the Shearwater, Jack Peveler suggested that it may be appropriate for the motion to be withdrawn. Linda Krop offered that if the staff felt that it could wait two months it could be added to the agenda for the next SAC meeting. Chris Mobley responded that Mick Kronman pledged that the Waterfront Department would find a spot for the *Shearwater*.

### **Channel Islands Naturalist Corps (Glenn Shuart and Debra Herring)**

Glenn and Debra explained that the Channel Islands Naturalist Corps was originally based on the Santa Barbara Museum of Natural History's Whale Corps. They provide training and education throughout the year by going to festivals, serving on whale watch boats, and visiting schools. They also provided a demonstration of the interpretation they offer on whale watch tours. This demonstration included background information on gray, humpback, blue and fin whales, including their diet and migration routes. Debra explained that the Naturalist Corps members come from different backgrounds and different experiences, and that they share the notion that the key to protection is education. These volunteers share their love for the environment and want to educate people about it.

Volunteers in the Naturalist Corps must volunteer a minimum of eight hours per month, and volunteers who also interpret in the Channel Islands National Park must provide an additional eight hours of island-based interpretation within the park.

### **CINMS and SAC Recognize Nancy Berenson**

Chris Mobley announced that this is Nancy Berenson's last SAC meeting as the Sanctuary's Outreach Project Coordinator, and that she will be missed not only by our Sanctuary but also by the Monterey Bay National Marine Sanctuary where she volunteered as a naturalist on kayak trips. He presented her with a plaque reading, "The Channel Islands National Marine Sanctuary and Sanctuary Advisory Council recognizes and thanks Nancy Berenson for outstanding dedication to marine conservation, public education and community service. 2000 - 2003." Roberta Cordero also thanked Nancy for her help on behalf of the Chumash Maritime Association.

### **Future SAC Meeting Schedule and Agenda Topics**

The next meeting will be held July 18<sup>th</sup> in Ventura. Mike announced that Saturday, June 7<sup>th</sup> there may be an opportunity for SAC members and alternates to visit the islands. Approximately eight SAC members indicated an interest in a trip on this date.

Sarah MacWilliams reminded the SAC that the following day, May 17<sup>th</sup>, is Coastwide Snapshot Day and encouraged participation in this event since the SAC had selected water quality as a priority issue for this calendar year. Mike Murray announced that a toast for Nancy would be held at Long Board's Grill on Stearn's Wharf following the meeting

**The Meeting adjourned at approximately 3:30 PM.**

*Meeting notes respectfully submitted by:*

*Sarah MacWilliams (sarah.macwilliams@noaa.gov)  
and Michael Murray (michael.murray@noaa.gov)*

*Channel Islands National Marine Sanctuary*